

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,
Plaintiff,
and
CHEYENNE RIVER SIOUX TRIBE,
Plaintiff-Intervenor,
v.
U.S. ARMY CORPS OF ENGINEERS,
Defendant,
and
DAKOTA ACCESS, LLC,
Defendant-Intervenor-Cross Claimant.

Case No. 1:16-cv-01534-JEB

**DAKOTA ACCESS, LLC'S CROSS-MOTION FOR
SUMMARY JUDGMENT ON REMAND, SUPPORTING
MEMORANDUM OF LAW AND EXHIBITS, AND [PROPOSED] ORDER**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 7(h), Defendant-Intervenor-Cross Claimant Dakota Access, LLC ("Dakota Access") respectfully joins Defendant the U.S. Army Corps of Engineers ("Corps") in moving the Court to enter summary judgment in favor of the Corps and against Plaintiffs Standing Rock Sioux River Tribe, Cheyenne River Sioux Tribe, Yankton Sioux Tribe and Robert Flying Hawk, and Oglala Sioux Tribe. As set forth in the accompanying Memorandum of Law, Declaration of William S. Scherman, and attached exhibits thereto, judgment in favor of the Corps is warranted as a matter of law. Pursuant to Local Rule 7(f), Dakota Access respectfully requests oral argument if the Court believes oral argument would assist in deciding any of the pending motions.

Dated: October 9, 2019

Respectfully submitted,

/s/ William S. Scherman

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2019, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

/s/ William S. Scherman

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Counsel for Dakota Access, LLC

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<p>STANDING ROCK SIOUX TRIBE,</p> <p style="text-align: right;">Plaintiff,</p> <p>and</p> <p>CHEYENNE RIVER SIOUX TRIBE,</p> <p style="text-align: right;">Plaintiff-Intervenor,</p> <p style="text-align: center;">v.</p> <p>U.S. ARMY CORPS OF ENGINEERS,</p> <p style="text-align: right;">Defendant,</p> <p>and</p> <p>DAKOTA ACCESS, LLC,</p> <p style="text-align: right;">Defendant-Intervenor-Cross Claimant.</p>	
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Case No. 1:16-cv-01534-JEB

**[PROPOSED] ORDER DENYING PLAINTIFFS' MOTIONS FOR SUMMARY
JUDGMENT AND GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANT**

Upon consideration of the briefs, exhibits, and all materials filed in opposition to Plaintiffs' Motions for Summary Judgment and in support of Dakota Access, LLC's Cross-Motion for Summary Judgment on Remand, the Court orders that:

1. Plaintiff Standing Rock Sioux Tribe's Motion for Summary Judgment on Remand, D.E. 433, is DENIED;
2. Plaintiff Oglala Sioux Tribe's Motion for Partial Summary Judgment, D.E. 434, is DENIED;
3. Plaintiffs Yankton Sioux Tribe and Robert Flying Hawk's Motion for Summary Judgment, D.E. 435, is DENIED;

4. Plaintiff Cheyenne River Sioux Tribe's Motion for Summary Judgment, D.E. 436, is DENIED;

5. Defendant-Intervenor-Cross-Claimant Dakota Access, LLC's Cross-Motion For Summary Judgment on Remand, D.E. ___, is GRANTED; and

6. Judgment is entered in favor of the U.S. Army Corps of Engineers with respect to all claims addressed in the motions.

Dated: _____

Hon. JAMES E. BOASBERG
United States District Judge